

AG Contract No. KR97 1253TRN
ADOT ECS File No. JPA 97-96
Project: 187 PN 186/H4419 01C
Section: SR-187, SR-387 - SR-87

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE GILA RIVER INDIAN COMMUNITY

THIS AGREEMENT is entered into 3 December, 1997,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-
954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
GILA RIVER INDIAN COMMUNITY, acting by and through its TRIBAL
COUNCIL (the "GRIC").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The GRIC is empowered by Tribal Council Resolution, a
copy of which is attached hereto and made a part hereof, and has
resolved to enter into this agreement and has authorized the
undersigned to execute this agreement on behalf of the GRIC.

3. Incident to a highway improvement project contemplated
by the State on SR-187 from SR-387 to SR-87, it is necessary to
conduct an environmental and archaeological survey. The GRIC has
agreed to conduct the study, at an estimated cost of \$30,000.00,
all at State expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. 22077
Filed with the Secretary of State
Date Filed: 12/03/97

Betty Bayless
Secretary of State

By: Wicky Haenwood

II. SCOPE

1. The GRIC will:

a. Accomplish the Project on or before 30 December 1997. Provide the State copies of progress reports as appropriate, and a final report. Incorporate State review comments.

b. No more often than monthly, invoice the State in a total amount not to exceed \$30,000.00 for work performed under this agreement.

c. Be responsible for any claims arising from the performance or nonperformance of any work under this agreement attributable to the Tribe.

2. The State will:

a. Appoint a Project Manager to coordinate with and assist the Tribe as necessary and appropriate.

b. Reimburse the Tribe within 30 days after receipt and approval of monthly invoices, in a total amount not to exceed \$30,000.00.

c. Be responsible for any claims attributable to the State.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and payments; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance under this contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Arizona Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511 pertaining to conflicts of interest on behalf of State employees.

4. The provisions of Arizona Revised Statutes Section 35-214 pertaining to audit are applicable to this contract.

5. Applicable laws of the State, Federal and Tribal government shall govern the rights of the parties with respect to the performance of this agreement. The parties hereto shall select a process for the resolution of claims or disputes relating to this agreement, compliant with applicable laws and regulations of the State, Federal and Tribal government, and acceptable to the State, Federal and Tribal government. Such process will include a provision for arbitration.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

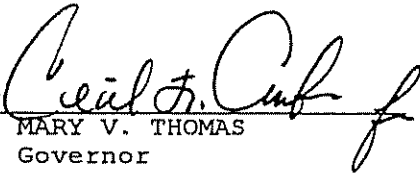
Gila River Indian Community
Director of Public Works
PO Box 97
Sacaton, AZ 85247


8. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under their respective laws to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

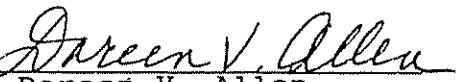
GILA RIVER INDIAN COMMUNITY

STATE OF ARIZONA
Department of Transportation

By 
MARY V. THOMAS
Governor

By 
EDWARD D. WRIGHT
Deputy State Engineer

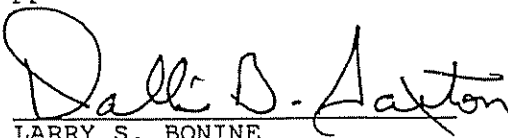
ATTEST

By 
Doreen V. Allen
Community Council Secretary

RESOLUTION

BE IT RESOLVED on this 16th day of June 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Gila River Indian Community for the purpose of defining responsibilities for the Tribe to conduct an archaeological survey on SR-187.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


for LARRY S. BONINE
Director



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

RESOLUTION GR-72-96

A RESOLUTION TO PLACE STATE HIGHWAY 187 INTO THE ARIZONA DEPARTMENT OF TRANSPORTATION'S FIVE-YEAR TRANSPORTATION IMPROVEMENT PLAN FOR 1997 - 2001

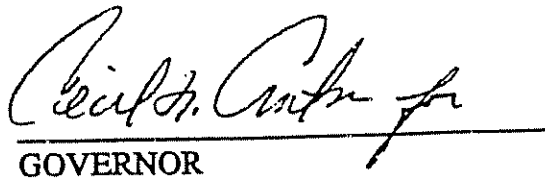
- WHEREAS,** the Gila River Indian Community (the "Community") recognizes that a well planned and well maintained system of roads is essential to the health, safety and welfare of our Community; and
- WHEREAS,** the current condition of State Highway 187, which serves as a major connector through the Community, is unsafe due to its narrow width and deteriorating asphalt overlay; and
- WHEREAS,** State Highway 187 is currently under the Arizona Department of Transportation's ("ADOT") jurisdiction and maintenance; and
- WHEREAS,** the Community has requested that ADOT place State Highway 187 into the State's Five-Year Transportation Improvement Plan for 1997 - 2001; and
- WHEREAS,** the Community is willing to discuss with ADOT the transfer of State Highway 187 over to local jurisdiction after it is improved and constructed to current standards.
- NOW THEREFORE BE IT RESOLVED,** that the Community requests that ADOT place State Highway 187 into the State's Five-Year Transportation Improvement Plan for 1997 - 2001 for improvement and construction to current standards, including safety related upgrades.
- BE IT FURTHER RESOLVED,** that the Community and ADOT discuss in good faith the transfer of State Highway 187 over to local jurisdiction after it is improved and constructed to current standards.

BE IT FINALLY RESOLVED, that the Governor, Lieutenant Governor or their designee be authorized to sign and execute documents in order to carry out the intent of this resolution.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a), (1), (9), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the Tribe January 22, 1960 and approved by the Secretary of the Interior on March 17, 1960, the foregoing Resolution was adopted this 19th day of June, 1996, at a Regular Community Council Meeting held in District #3, Sacaton, Arizona, at which a quorum of 13 Members were present by a vote of 12 FOR; 1 OPPOSE; 0 ABSTAIN; 4 ABSENT; 0 VACANCY.

GILA RIVER INDIAN COMMUNITY


GOVERNOR

ATTEST:


COMMUNITY COUNCIL SECRETARY

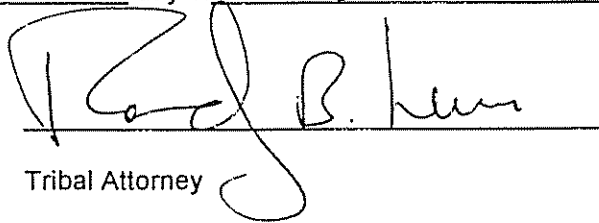
JPA 97-97

APPROVAL OF

THE GILA RIVER INDIAN COMMUNITY TRIBAL ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION and the GILA RIVER INDIAN COMMUNITY, and declare this agreement to be in proper form and within the powers and authority granted to the Tribe under the laws of the Tribe.

DATED this 3 day of October, 1997


Tribal Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

GRANT WOODS
ATTORNEY GENERAL

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR97-1253TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE November 25, 1997.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/9130

Enc.